

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PHARMASTEM THERAPEUTICS, INC., a  
Delaware corporation,

Plaintiff,

v.

VIACELL, INC., a Delaware corporation,  
OBSTETRICAL AND GYNECOLOGICAL  
ASSOCIATES, P.A., FEMPARTNERS, INC., a  
Delaware corporation and CARITAS ST.  
ELIZABETH'S MEDICAL CENTER OF  
BOSTON, INC., a Massachusetts Nonprofit  
Corporation,

Defendants.

Civil Action No. 04-CV-11673 RWZ

**DECLARATION OF EDWARD LITTLE IN SUPPORT OF PLAINTIFF'S  
EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER  
ENJOINING VIACELL FROM TAKING FURTHER ACTION IN CIVIL  
ACTION NO. 04-1334-GMS IN THE DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE**

I, Edward W. Little, Jr., being duly sworn, do hereby depose and declare as follows:

1. I am an attorney with the firm of Gadsby Hannah LLP, counsel for PharmaStem Therapeutics, Inc. ("PharmaStem") in the above-captioned case.
2. I submit this declaration in support of PharmaStem's Emergency Motion for an Injunction that Viacell is Enjoined from Taking Further Action in Civil Action No. 04-1334-GMS in the United States District Court for the District Of Delaware
3. Attached hereto as Exhibit 1 is a true and correct copy of a website printout from the website of ViaCord, a subsidiary of ViaCell, located at <http://viacord.com/index.asp?p=ne&n=20&id=23>, dated October 26, 2004.

4. Attached hereto as Exhibit 2 is a true and correct copy of a letter dated September 30, 2004 sent to Paul J. Andre of Perkins Coie LLP from Elaine Herrmann Blais of Goodwin Proctor LLP regarding an extension of time.

5. Attached hereto as Exhibit 3 is a true and correct copy of ViaCell's Amended Delaware Complaint filed in Civil Action No. 04-1334-GMS in the District Court for the District Of Delaware.

6. Attached hereto as Exhibit 4 is a true and correct copy of ViaCell's Motion for Entry of a Preliminary Injunction, dated October 8, 2004, and filed in Civil Action No. 04-1334-GMS in the District Court for the District Of Delaware.

SIGNED BY ME UNDER THE PAINS AND PENALTIES OF PERJURY THIS  
27th DAY OF OCTOBER, 2004.

/s/ Edward W. Little, Jr.  
Edward W. Little, Jr.

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have this 27<sup>th</sup> day of October, 2004, caused to be served on all parties (or their counsel of record, if any at this time) the above document by first class mail, postage prepaid.

/s/ Edward W. Little, Jr.  
Edward W. Little, Jr.